



1662/53002  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : M. Fleshner-Barak et al.  
Serial No. : 09/887,204  
Filing Date : June 22, 2001  
For : RAPIDLY EXPANDING COMPOSITION FOR  
GASTRIC RETENTION AND CONTROLLED  
RELEASE OF THERAPEUTIC AGENTS, AND  
DOSAGE FORMS INCLUDING THE  
COMPOSITION  
Group Art Unit : 1615

Mail Stop Petitions  
Commissioner for Patents

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

SIR:

Applicant hereby petitions to have the holding of abandonment dated December 3, 2003 for the above-identified patent application withdrawn in view of the following facts:

The Notice to File Missing Parts of NonProvisional Application mailed August 15, 2001 setting a two-month response period was received by Applicants' Attorney.

In response to the Notice to File Missing Parts of NonProvisional Application, a response dated October 15, 2001 addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, Box Missing Parts, was mailed to the U.S. Patent and Trademark Office Mail Room on October 15, 2001. The Patent Office was authorized to charge deposit account 11-0600 for the 37 CFR 1.16(e) surcharge fee. The response included a Response to the Notice to File Missing Parts of NonProvisional Application, a Declaration, and a Power of Attorney. The Response had a certificate of mailing dated October 15, 2001 and was signed by Applicant's Attorney. A return receipt post card was also included.

Kenyon and Kenyon's Outgoing Mail Log and Report of Action Completed covering the date of October 15, 2001 recorded this mailing.

A post card receipt date stamped by the Patent and Trademark Office Mail Room was not received by the Applicant.

Copies of the Notice of Abandonment, the Response to Notice to File Missing Parts of NonProvisional Application - Filing Date Granted, Declaration, Power of Attorney, Outgoing Mail Log from Kenyon and Kenyon and Report of Action Completed are attached.

In light of the above, it is respectfully submitted that a Response to the Notice to File Missing Parts of NonProvisional Application Office Action mailed August 15, 2001 was timely filed in the Patent Office. It is therefore respectfully requested that the abandonment be withdrawn and the application passed to the Examiner for action.

It is believed that no fee is necessary in connection with this Petition. However, should a fee be required, the Commissioner is authorized to charge Deposit Account No. 11-0600.

This Petition is submitted in duplicate.

Respectfully submitted,

KENYON & KENYON

Date December 11, 2003

Paul Johnson  
Paul Johnson  
Reg. No. 35,559

One Broadway  
New York, New York 10004  
Telephone: (212) 425-7200  
Facsimile: (212) 425-5288

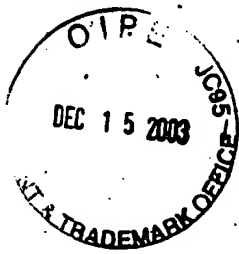
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**I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:**  
Mail Stop Petition  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on

Date: 12/11/03

Signature: [Signature]

# Kenyon and Kenyon Outgoing Mail Log



Date	Serial #	Client/Matter	Document	Atty/Sec	Time
12/15/01			Request for Certificate of Correction	TFM	3:00
"			IDS	"	"
"			Request missing pts. Assignment IDS	"	"
			Amendment	EST/c	4:00
			missing parts	PT/c	4:00
			Response to Initial	EST/c	4:00
			sub IDS	RTM/c	1:00
			sub IDS	Rhm/c	1:00
			IDS	Rhm/c	1:00
			Notice of Incomplete	JET/c	1:00
			Missing Points + Assign	Rhm/c	1:00
			Amendment to Sheet	LPC/EAR	4:26
			Reply for Corr. Filing Request		
			Trans / Reply letter 1.1.15	RLM/JHE/ear	
			NOA	BE	4:35
			Response	am/c	5:05
			Amendment	Jam	
			new Application	RChung	5:05

Mailed : 15-Oct-2001

Client No / IPWMA	Client	IPSS Ref	Appln date & No	Action	Comm Date	Due Date	Note
02207 / 11267	INTEL CORPORATION	P35312US		Assignment Filed	15 Oct 2001	15-Oct-2001	
02207 / 11267	INTEL CORPORATION	P35312US		Respond to Not Missing Parts	20 Aug 2001	20-Oct-2001	
02207 / 11235	INTEL CORPORATION	P35340US		Updated Filing Receipt Rec'd	15 Oct 2001	15-Oct-2001	
02207 / 10554	INTEL CORPORATION	P34782US		Updated Filing Receipt Rec'd	15 Oct 2001	15-Oct-2001	
02207 / 6841	INTEL CORPORATION	P32466US		Official Letters Patent Rec'd	15 Oct 2001	15-Oct-2001	
02207 / 11267	INTEL CORPORATION	P35312US		Declaration Filed	15 Oct 2001	15-Oct-2001	
02207 / 11508	INTEL CORPORATION	P35016US		Updated Filing Receipt Rec'd	15 Oct 2001	15-Oct-2001	
02207 / 9805	INTEL CORPORATION	P35305US		Updated Filing Receipt Rec'd	15 Oct 2001	15-Oct-2001	
02207 / 373802	INTEL CORPORATION	P31950US		Notice of Appeal Due	13 Jul 2001	13-Oct-2001	C/O
02207 / 1123601	INTEL CORPORATION	P34970US		Updated Filing Receipt Rec'd	15 Oct 2001	15-Oct-2001	
00117 / 99	LAERDAL MEDICAL COR	P31901USW		Issue Fee due	16 Jul 2001	16-Oct-2001	C/O File abandoned per A. Brenneisen letter 9/10/01 Sent to DC.
11219 / 3	LAUDER BOWDEN	T21320US		12 Month Status Check	01 May 2001	01-May-2002	Has a new action been rec'd?
01202 / 49	LEONARDO DAVINCI'S P	T19210US		12 Month Status Check	26 Jan 2001	26-Jan-2002	Check Acceptance of Statement of Use.
12002 / 46001	MARILYN M. PINK	P35480US		Recorded Documents Rec'd	15 Oct 2001	15-Oct-2001	
11547 / 110	NEWPOWER	T22265US		12 Month Status Check	16 Jul 2001	16-Jul-2002	Has a new action been rec'd?
152433 / 535	Nippon Steel Corpora	P30030USW		Amendment Due	16 Apr 2001	16-Jul-2001	
153375 / 1322	OLYMPUS OPTICAL CO	T21910US		2 Mo. Priority Action	13 Apr 2001	13-Jun-2001	
01902 / 86401	PACKAGING CONCEPTS	T19741US		12 Month Status Check	22 Mar 2001	22-Mar-2002	has stmt. of use been accepted?
11443 / 35	POWER MEDICAL INTEF	P33294WO		Was Demand Accepted	20 Sep 2001	20-Nov-2001	
11443 / 38	POWER MEDICAL INTEF	P33141WO		Was Demand Accepted	20 Sep 2001	20-Nov-2001	
11443 / 39	POWER MEDICAL INTEF	P33141WO		Was Demand Accepted	20 Sep 2001	20-Nov-2001	
10434 / 60501	PRINCETON UNIVERSIT	P33057US		Amendment Due	13 Apr 2001	13-Jul-2001	
10020 / 22301	PRINCETON UNIVERSIT	P34916US		Updated Filing Receipt Rec'd	15 Oct 2001	15-Oct-2001	
10020 / 15302	PRINCETON UNIVERSIT	P30559US		Info.Disclosure Statement due	18 Jun 2001	18-Sep-2001	
10020 / 67	PRINCETON UNIVERSIT	P25880US 2		Req Cert of Correction Filed	15 Oct 2001	15-Oct-2001	
12144 / 1	RX ART, INC.	T22459US		Respond to Official Action	21 Sep 2001	21-Mar-2002	c/o examiners amendment rec'd 10/15/01
10799 / 13	SENESCO, INC	P35423US		Assignment Filed	15 Oct 2001	15-Oct-2001	
10799 / 13	SENESCO, INC	P35423US		Respond to Not Missing Parts	13 Aug 2001	13-Oct-2001	
11672 / 4	SHERMAN BILLINGSLE	T21446US		12 Month Status Check	05 Jun 2001	05-Jun-2002	Has a new action been rec'd?
11672 / 3	SHERMAN BILLINGSLE	T21445US		12 Month Status Check	05 Jun 2001	05-Jun-2002	Has a new action been rec'd?
02338 / 48201	SIMAGE OY/D. YOUNG &	P35796USW		Info.Disclosure Statement due	15 Oct 2001	15-Jan-2002	
11746 / 13	SLOAN-KETTERING/MO.	P32630US 5		Req. Corrected Filing Receipt	15 Oct 2001	15-Oct-2001	
11746 / 13	SLOAN-KETTERING/MO.	P32630US 5		Nucleotide Sequence Due	13 Aug 2001	13-Oct-2001	
11296 / 46001	SOREQ NUCLEAR	P32505US		Issue Fee due	17 Jul 2001	17-Oct-2001	Sent to DC.
11296 / 46001	SOREQ NUCLEAR	P32505US		File Con. Appln. If Necessary	17 Jul 2001	17-Oct-2001	
00782 / 1	SPORTSMAN'S SUPERV	T12151US		Renewal & Sec. 8 Due	20 Oct 1991	20-Oct-2001	
01662 / 55576	TEVA PHARMACEUTICA	P3473WO		Invitation to Correct Defects	13 Sep 2001	13-Oct-2001	C/O PER MCW ON EXT. POA
01662 / 53002	TEVA PHARMACEUTICA	P3473US 1		Assignment Filed	15 Oct 2001	15-Oct-2001	
01662 / 53002	TEVA PHARMACEUTICA	P3473US 1		Respond to Not Missing Parts	15 Oct 2001	15-Oct-2001	Declaration due
10089 / 10	TOYO BOSEKI/SAEGUS/	P33387US		Amendment Due	14 May 2001	14-Aug-2001	Sent to DC.
00476 / 112	TOYOTA/TOH INT'L PA	P30325USW		Amendment Due	19 Jul 2001	19-Oct-2001	
10169 / 17	TOYOTA/ISOE	P32712US		Issue Fee due	03 Aug 2001	03-Nov-2001	
10169 / 17	TOYOTA/ISOE	P32712US		File Con. Appln. If Necessary	03 Aug 2001	03-Nov-2001	
10517 / 112	TOYOTA/TOYOTA TECH	P29900US 2		Filing Receipt Rec'd	15 Oct 2001	15-Oct-2001	
77792 / 36	TOYOTA/YOSHIDA	P35795USW		Info.Disclosure Statement due	15 Oct 2001	15-Jan-2002	
10052 / 1203	UNIVERSAL DISPLAY CO	P35351US		Info.Disclosure Statement due	09 Jul 2001	09-Oct-2001	

